

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/2/2020

TIMOTHY SCOTT,

Petitioner,

20-cv-0810 (LJL)

-V-

LEROY FIELDS,

Respondent.

ORDER

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LEWIS J. LIMAN, United States District Judge:

Respondent filed a motion to dismiss the petition in this case on July 9, 2020. Dkt. No. 16. On July 9, 2020, the Court issued an order directing Petitioner to respond by September 10, 2020, and directing the Clerk of Court to mail the order to Petitioner, who was then incarcerated at the Fishkill Correctional Facility. Dkt. No. 19. The docket reflects that the mail enclosing the Court's order was returned to the Court and not received by the Petitioner who apparently had been released by that date but had not updated the Court with a new address. On October 1, 2020, the Court directed counsel for the respondent to provide the Court the last known address for Petitioner and counsel has done so, providing an address at which Respondent served Petitioner with his motion papers. That address is 6336 Vosburgh Road, Eastville, New York 13332. Dkt. No. 21.

The Court will give Petitioner additional time to respond to the motion to dismiss. Petitioner shall have until November 13, 2020 to file and serve any response. If there is a response, the Respondent will have until December 1, 2020, to reply. In the absence of a response, the Court will consider the motion to be unopposed and will consider it on its merits.

The Clerk of the Court is respectfully directed to mail a copy of this order to Petitioner at his current address of: 6336 Vosburgh Rd., Earlville, NY, 13332. The Clerk of the Court is also respectfully directed to update its records with Petitioner's current address.

SO ORDERED.

Dated: October 2, 2020
New York, New York

LEWIS J. LIMAN
United States District Judge